
TITLE 140 BUREAU OF MOTOR VEHICLES

Proposed Rule
LSA Document #14-101

DIGEST

Adds [140 IAC 1-9](#) concerning the types of reasonable grounds appearing on the records of the Bureau of Motor Vehicles upon which the Bureau of Motor Vehicles may suspend or revoke the driving privileges or driver's license of an individual or the certificate of registration or license plate of a motor vehicle. Effective 30 days after filing with the Publisher.

[IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses](#)

[140 IAC 1-9](#)

SECTION 1. [140 IAC 1-9](#) IS ADDED TO READ AS FOLLOWS:

Rule 9. Suspensions and Revocations

[140 IAC 1-9-1](#) Reasonable grounds for suspension and revocation

Authority: [IC 9-14-2-2](#); [IC 9-30-4-1](#); [IC 9-30-4-14](#)

Affected: [IC 9-30-4](#)

Sec. 1. "Reasonable ground", as used in [IC 9-30-4-1](#), includes the following:

- (1) Presenting false, misleading, or incorrect information or misrepresenting information to the bureau for the purpose of obtaining or renewing a driver's license, permit, identification card, certificate of registration, or license plate.
- (2) Obtaining or using a driver's license, learner's permit, identification card, certificate of registration, or license plate through fraud, misrepresentation, or the use of incorrect or misleading information.
- (3) Obtaining or maintaining a driver's license, learner's permit, identification card, certificate of registration, or license plate by a person who was not qualified to do so.
- (4) The issuance of a driver's license, permit, identification card, certificate of registration, or license plate in error or as the result of a mistake.
- (5) Any other situation in which a suspension or revocation is necessary to prevent the misuse or improper issuance of a driver's license, permit, identification card, certificate of registration, or license plate.
- (6) Any other situation in which a suspension or revocation is necessary to ensure public safety.
- (7) Any other suspension or revocation specifically provided for in statute or regulation.

(Bureau of Motor Vehicles; [140 IAC 1-9-1](#))

[140 IAC 1-9-2](#) Penalties

Authority: [IC 9-30-4-1](#)

Affected: [IC 9-30-4](#)

Sec. 2. (a) When the bureau suspends the driving privileges, driver's license, or permit of any person or certificate of registration or license plate of any motor vehicle for matters involving fraud or misrepresentation, the period of suspension shall generally be ninety (90) days per incident of fraud or misrepresentation, but the bureau may, in its discretion, impose shorter or longer suspensions or provide that suspensions under this rule run concurrently when warranted by the circumstances.

(b) When the bureau suspends the driving privileges or driver's license or permit of any person or certificate of registration or license plate of any motor vehicle for matters not involving fraud or misrepresentation, the period of suspension shall be determined by the bureau based upon the particular circumstances of the facts and events leading to the suspension.

(c) When the bureau revokes the driving privileges, driver's license, or permit of any person or certificate of registration or license plate of any motor vehicle, and the facts and circumstances lead the bureau to conclude that reinstatement might be considered in the future, the bureau may establish a date upon which the person may apply to the bureau for reinstatement. Reinstatement shall be granted if it appears to the bureau that the reasons for the revocation no longer exist or that reinstatement is otherwise warranted.

(d) The bureau may also impose reasonable conditions upon any reinstatement or the termination of any period of suspension.

(Bureau of Motor Vehicles; [140 IAC 1-9-2](#))

[140 IAC 1-9-3](#) Notice

Authority: [IC 9-30-4-1](#)

Affected: [IC 9-30-4](#)

Sec. 3. The bureau shall notify a person in writing of a suspension or revocation of driving privileges, driver's license or permit, certificate of registration, or license plate under [IC 9-30-4-1](#). The notice shall include the following:

- (1) A description of the action taken by the bureau.
- (2) A statement that the person may request a review by making such a request within eighteen (18) days of the notice.
- (3) Instructions for requesting a review.

(Bureau of Motor Vehicles; [140 IAC 1-9-3](#))

[140 IAC 1-9-4](#) Procedure for administrative hearing

Authority: [IC 9-14-2-2](#); [IC 9-30-4](#)

Affected: [IC 9-30-4](#)

Sec. 4. (a) This section applies only to a suspension or revocation under section 1(1) or 1(2) of this rule.

(b) A person whose driving privileges, driver's license or permit, certificate of registration, or license plate are suspended or revoked under section 1(1) or 1(2) of this rule may request an administrative review of the action and is entitled to a hearing if a request for administrative review is made. The request for review must be received within eighteen (18) days of the date of the notice under this section.

(c) A person requesting a review under this section must submit all documents and information relevant to the determination at the hearing.

(d) When conducting a review of a suspension or revocation under this section, the administrative law judge may consider all relevant matters, including, but not limited to, the following:

- (1) The person's age at the time of the fraud or misrepresentation.
- (2) The passage of time since the fraud or misrepresentation.
- (3) The person's purported intent.
- (4) The person's cooperation with the bureau and other law enforcement.
- (5) The results of any criminal prosecution that resulted from the fraud or misrepresentation.
- (6) The hardship imposed on the person by suspension.
- (7) The likelihood that the person will participate in additional fraudulent activity or misrepresentations.
- (8) Whether, and to what extent, the person's privileges were suspended or rendered invalid at the time of the determination.
- (9) Any other factor relevant to the determination of an action under [IC 9-30-4-1](#).

(e) Upon receipt of a timely request for a review under this section, the bureau shall stay the

suspension or revocation under [IC 9-30-4-1](#) pending a determination, unless otherwise required by law.

(Bureau of Motor Vehicles; [140 IAC 1-9-4](#))

[140 IAC 1-9-5](#) Procedure for administrative review

Authority: [IC 9-14-2-2](#); [IC 9-30-4](#)

Affected: [IC 9-30-4](#)

Sec. 5. (a) This section applies only to a suspension or revocation under section 1(3) through 1(7) of this rule.

(b) A person whose driving privileges, driver's license or permit, certificate of registration, or license plate are suspended or revoked under section 1(3) through 1(7) of this rule may request an administrative review of the action. The request for review must be received within eighteen (18) days of the date of the notice under this section.

(c) A person requesting a review under this section must submit all documents and information relevant to the review with his or her request.

(d) When conducting a review under this section, the agency may consider all relevant matters.

(e) Upon receipt of a timely request for a review under this section, the bureau shall stay the suspension or revocation under [IC 9-30-4-1](#) pending a determination, unless otherwise required by law.

(Bureau of Motor Vehicles; [140 IAC 1-9-5](#))

[Notice of Public Hearing](#)

Posted: 09/10/2014 by Legislative Services Agency

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